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<i>In the Matter of</i>)	
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Unlicensed Operation in the TV Broadcast Bands)	ET. Docket No. 04-186
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The Information Technology Industry Council (ITI)¹ hereby respectfully submits reply comments in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding. ITI applauds the Commission's continued efforts to open up new or under utilized bands for wireless broadband applications. ITI also shares the Commission's concern that unlicensed devices cause no harmful interference to existing users. In these reply comments, there are three particular issues that ITI would like to address.

First, ITI believes that installation should be supervised and/or inspected by a NARTE (National Association of Radio and Telecommunications Engineers, Inc.) Certified EMC (electromagnetic compatibility) or Telecommunications Engineer, an SBE (Society of Broadcast Engineers) Certified Broadcast Radio or Television Engineer, FCC Commercial License Holder, or a Registered Professional Engineer.

1 The Information Technology Industry Council (ITI) represents the leading U.S. providers of information technology (IT) products and services. ITI is the voice of the high tech community, advocating policies that advance industry leadership in technology and innovation; open access to new and emerging markets; promote e-commerce expansion; protect consumer choice; and enhance the global competitiveness of its member companies.

ITI also recommends that point-to-point or point-to-multipoint systems operating outdoors in circumstances where they may be geographically adjacent television licenses should either be professionally installed or be inspected by qualified individuals versed in the technology. In these circumstances, requiring that the installer or inspector reviewing the installation be certified or licensed is no more burdensome than requiring that a test lab be accredited to perform certain types of testing or that a TCB be accredited to perform reviews of FCC reports and issue FCC grants. The requirement that a Professional Engineer or a certified or FCC licensed engineer review and sign off will help ensure that the individual inspecting the system is qualified and, therefore, that the system will not cause unlawful interference to licensees in the band.

Second, ITI wishes to refute concerns raised in the comments filed by the Society of Broadcast Engineers (SBE). SBE claims that increased interference will result if unlicensed Part 15 devices are allowed to operate in the TV bands. In its discussion, SBE states that wireless local area networks (WLAN) currently operating in the 2.4 GHz band, specifically above 2450 Mhz, are very disruptive to licensed services, particularly to broadcast auxiliary services (BAS) that operate on TV channels. Based on the assertions that these systems can easily be modified and that there is a lack of enforcement with respect to the interference by Part 15 devices, SBE proposes an additional construction mechanism beyond what is currently required in the Part 15 rules.

While ITI acknowledges the Commission's concern regarding *potential* interference, ITI finds that there is no evidence of reported widespread interference from Part 15 WLAN to BAS. If such a problem did exist, either in band or out of band, the Enforcement Bureau as well as the Evaluation and Authorization Branch would have

addressed this issue with the industry a long time ago. The lack of a public record documenting interference should be dispositive and compel the Commission to reject the SBE's argument.²

Third, ITI disagrees with the proposal by SBE to require Part 15 devices be made tamper-proof either by gluing the devices together using self-destructing boards or through the use of tamper-proof screws. There is no evidence that tampering is, or would be, an issue with Part 15 devices. Nor does SBE provide any such evidence in its filing. The Commission should require a high burden of proof before considering such a draconian rule that restricts manufacturing flexibility.

ITI believes that the current technical requirements and regulations, such as section 15.203 requirements for antenna connectors and section 15.204 requirements for use of amplifiers, are sufficient to ensure compliance.

² Modification of Parts 2 and 15 of the Commission's Rules for unlicensed devices and equipment approval, ET Docket No. 03-201, Report and Order, released July 12, 2004, at para. 37, citing, Amendment of the Commission's Rules Regarding Spread Spectrum Devices, ET Docket No. 99-231, Second Report and Order, 17 FCC Rcd. 10755 at paras. 29-30(2002) (both cases dismissing arguments advanced by Sirius Satellite to impose stricter out-of-band emissions limits on Part 15 devices based on the absence of a public record of interference and the basis for the proposed solution)